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CHAMBERS OF
THEODORE H. KATZ
US MAGISTRATE JUDGE

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BY HAND

May 11, 2009

Re: *Ferber SEP IRA v. Fairfield Greenwich Group, et al.*, Docket No. 09 CV 2366 (VM); *Pierce et al. v. Fairfield Greenwich Group, et al.*, Docket No. 09 CV 2588 (VM); *Anwar et al. v. Fairfield Greenwich Limited, et al.*, Master File No. 09 CV 0118 (VM)

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Hon. Theodore H. Katz
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Dear Judge Katz:

We write as counsel for the Fairfield Greenwich Defendants (the "FG Defendants")[1] regarding the jurisdictional discovery sought by the FG Defendants in connection with Plaintiffs' motion to remand in *Pierce et al. v. Fairfield Greenwich Group, et al.*, Docket No. 09 CV 2588 ("*Pierce*") and the briefing schedule for the remand motions in *Pierce* and the related case, *Ferber SEP IRA v. Fairfield Greenwich Group, et al.*, Docket No. 09 CV 2366 ("*Ferber*").

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On May 1, 2009, the Court entered a Memorandum Opinion and Order (the "Order") granting the FG Defendants' request for jurisdictional discovery in *Pierce*. Specifically, the Order directed the *Pierce* plaintiffs to "produce to Defendants the documents specified on pages 3-4 of Defendants' April 16, 2009 letter to the Court, by no later than May 15, 2009." *See* Order at 10. The Order also provided that the FG Defendants' opposition to the remand motions in *Pierce* and *Ferber* must be filed by May 22, 2009 and any reply by May 29, 2009. *See id.*

[1] We represent Defendants Fairfield Greenwich Limited, Fairfield Greenwich (Bermuda) Ltd. and Fairfield Greenwich Advisors LLC in *Ferber SEP IRA v. Fairfield Greenwich Group, et al.*, Docket No. 09 CV 2366 ("*Ferber*") and Defendants Fairfield Greenwich (Bermuda) Ltd. and Fairfield Greenwich Advisors LLC in *Pierce et al. v. Fairfield Greenwich Group, et al.*, Docket No. 09 CV 2588 ("*Pierce*").

We have conferred with Robert Wallner, counsel for plaintiffs in both *Pierce* and *Ferber*, and jointly propose the following modification of the Order: (i) the FG Defendants will endeavor to obtain, through non-party discovery, the documents that the *Pierce* plaintiffs were ordered to produce (in lieu of any requirement that the *Pierce* plaintiffs produce such documents by May 15, 2009); (ii) the FG Defendants' opposition to the remand motions in *Pierce* and *Ferber* shall be filed by July 24, 2009; and (ii) plaintiffs' reply papers shall be filed by August 3, 2009. We are authorized to represent that Mr. Wallner joins in this submission.

We appreciate the Court's attention to this matter.

Respectfully submitted,

Mark G. Cunha

cc: The Honorable Victor Marrero (by hand)

All Counsel in *Anwar* (by email)

The proposed schedule is acceptable.

SO ORDERED

5/13/09

THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE